



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/369,756	08/06/1999	NORMAN D. CHOLEWINSKY	RPD-371	7212

7590 02/24/2005
KOLISCH HARTWELL DICKINSON
MCCORMACK & HEUSER
200 Pacific Building
520 S.W. Yamhill Street
PORTLAND, OR 97204

EXAMINER

SALTARELLI, DOMINIC D

ART UNIT	PAPER NUMBER
----------	--------------

2611

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/369,756

Applicant(s)

CHOLEWINSKY, NORMAN D.

Examiner

Dominic D Saltarelli

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 11 and 12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Specifically, the claims call for encoding audio and video signal components according to the placement of the signal generator and further only decoding signals according to physical placement. The only support for encoding signals is found in page 5, lines 6-11, which broadly states encoding signals simply to avoid interference with other units, and is part of a list of several available methods for avoiding interference.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2611

4. Claims 1, 2, 4, 8, 9, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Toyoshima (4,958,381, of record).

Regarding claims 1 and 9, Toyoshima discloses an onboard vehicle entertainment system configured for use within a passenger compartment of a vehicle (fig. 11), the entertainment system comprising:

An audio/video signal generator (fig. 1, col. 2, lines 37-39) including an onboard transmitter (fig. 1, leaky cable 21) configured for placement within the passenger compartment of the vehicle (fig. 11, cable 21) to produce a vehicle-specific audio/video signal (as seen from fig. 11, col. 5, lines 5-14) with an audio signal component (col. 4, lines 55-57) and a video signal component (col. 4 line 54 – col. 5 line 4), the transmitter being adapted for wireless transmission of such audio and video signal components (col. 5, lines 12-14);

An audio receiver [radio] configured for placement within the passenger compartment of the vehicle (fig. 2, display apparatus 35 with audio terminal 35b for connecting to headphones 35c, col. 5, lines 55-61), the audio receiver being adapted for wireless receipt of the audio signal component transmitted by the onboard transmitter and for presentation of audio derived from such audio signal component (fig. 1, terminal unit 30 receives signal from transmitter 21 through antenna 31 and selects a channel through tuner 33 wherein audio is reproduced on the display apparatus 35 through audio output terminal 35b on headphones 35c, col. 5, lines 15-61); and

A video receiver [display] configured for placement within the passenger compartment of the vehicle (fig. 2, display apparatus 35 with display 35a, col. 5, lines 55-61), the video receiver being adapted for wireless receipt of the video signal component transmitted by the onboard transmitter and for presentation of images derived from such video signal component (fig. 1, terminal unit 30 receives signal from transmitter 21 through antenna 31 and selects a channel through tuner 33 wherein video is reproduced on the display apparatus 35 on display 35a, col. 5, lines 15-61).

Regarding claims 2 and 10, the passenger compartment disclosed by Toyoshima inherently shields the audio and video receivers from interference due to audio/video signal exterior to the vehicle because the receivers are within an aircraft, whose metal frame provides electromagnetic radiation shielding, and thus, conversely are the audio and video signal components are substantially contained within the automotive passenger compartment.

Regarding claim 4, Toyoshima discloses the system of claim 1, and further discloses the audio/video signal is an RF signal (col. 5, lines 1-14).

Regarding claim 8, Toyoshima discloses the system of claim 1, and further discloses the video receiver is an LCD display (col. 5, lines 55-61).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toyoshima.

Regarding claim 3, Toyoshima discloses the system of claim 1, and further discloses the audio/visual signal is coded (audio signals are encoded via CADA encoders, col. 3, lines 51-63 then multiplexed with the video signals, col. 4, lines 46-63), the audio receiver being configured to receive (31), decode (36), and present (35c) only desired audio signal components (via CADA decoder 36 in fig. 1, col. 5, lines 35-49, wherein the user selects desired audio signals using music selecting key 35g in fig. 2, col. 5, lines 62-65), and the video receiver being configured to receive (31) and display (35a) only desired video signal components (fig. 2, television selecting key 35f for selecting desired video signals, col. 5, lines 62-65).

Toyoshima fails to disclose the video signal components are encoded and subsequently decoded.

Examiner takes Official Notice that it was old and well known in the art to digitally encode and subsequently decode video signals for transmission, as digital encoding allows video signals to be compressed, such as with an MPEG

Art Unit: 2611

encoder, allowing more channels of video data to be transmitted per each allocated channel of bandwidth (e.g. such as over traditionally 6MHz analog channels), broadening the available selection of video data to viewers while conserving bandwidth.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Toyoshima to include encoding and decoding the video signal components, for the benefit of increasing the quantity of video signals delivered to viewers while conserving the bandwidth available to the transmitter.

Regarding claims 6 and 13, Toyoshima discloses the system of claim 1, but fails to disclose the onboard transmitter is configured to transmit a localized AM/FM radio signal and the audio receiver is an AM/FM radio.

Examiner takes Official Notice that it was old and well known in the art to incorporate AM/FM radio broadcasts into closed network audio/video distribution systems, enhancing the system by broadening the number of services available by including AM/FM radio, and to receive such signals, the audio receiver would by nature be an AM/FM radio receiver.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Toyoshima to include configuring the onboard transmitter to transmit a localized AM/FM radio signal to an AM/FM

Art Unit: 2611

receiver, for the benefit of enhancing the vehicle entertainment system by broadening the services delivered to include AM/FM broadcasts.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toyoshima in view of Logan et al. (5,732,216, of record) [Logan].

Regarding claim 5, Toyoshima discloses the system of claim 1, but fails to disclose the audio/video signal is an IR signal.

In an analogous art, Logan teaches using IR signals conforming to the IrDA standard for data communication, taking advantage of the low cost, high speed, and diverse benefits associated with IR transfer of data (col. 6, lines 44-58).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system to disclosed by Toyoshima to include IR signals, as taught by Logan, for the benefits of low cost implementation, high speed (4 Mbps per channel), and diverse access with many different devices (Toyoshima also discloses a personal computer 37 in fig. 1).

8. Claims 7 and 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toyoshima in view of Schindler et al. (5,867,223) [Schindler].

Regarding claims 7 and 14, Toyoshima discloses the system of claim 1, but fails to disclose the audio receiver is a wireless headset.

In an analogous art, Schindler teaches utilizing wireless headsets for the reception of audio signals (col. 6, lines 15-33), granting users freedom of movement and eliminating the need for obtrusive wiring.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Toyoshima to include wireless headsets, as taught by Schindler, for the benefit of granting users freedom of movement while enjoying audio selections by eliminating the limitation of physical wiring.

9. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toyoshima in view of Conway et al. (5,214,793) [Conway].

Regarding claims 11 and 12, Toyoshima discloses the system of claim 9, but fails to disclose the audio and video signal components are encoded according to the placement within the passenger area of the audio/video signal generator and the display is configured to subsequently receive and decode only audio and video signal components corresponding to the passenger area in which the display is placed.

In an analogous art, Conway teaches encoding the data sent from transmitters in a manner which is dependent upon the location of the transmitter (the data being transmitted is specific to an area, col. 8, lines 21-28) and subsequently decoding data at a receiver which corresponds to the passenger area in which the receiver is placed (the receiver receives data based upon instructions from the driver, so the data received is specific to a particular vehicle,

Art Unit: 2611

col. 8, lines 42-59), providing data which is specific to a location that does not interfere with other transmitters in the area (col. 8, lines 23-27).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Toyoshima to include encoding and subsequently decoding data based upon the locations of the transmitter and receivers, as taught by Conway, for the benefit of providing audio and video data which is specific to a given location and does not interfere with other transmitters and receivers in the area.

10. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toyoshima and Schindler as applied to claim 14 above, and further in view of Carey et al. (5,034,996) [Carey].

Regarding claim 15, Toyoshima and Schindler disclose the system of claim 14, but fail to disclose the display is configured to be ceiling mounted within the automotive passenger compartment.

In an analogous art, Carey teaches configuring display devices to be ceiling mounted within automotive passenger compartments (fig. 1, TV 20), providing the benefit of an unobtrusive and easily viewed viewing device.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Toyoshima and Schindler to include a ceiling mounted display, as taught by Carey, for the benefit of an unobtrusive and easily displayed viewing device for use by passengers.

Response to Arguments

11. Applicant's arguments filed October 18, 2004 have been fully considered but they are not persuasive.

Regarding applicant's claim that Toyoshima does not disclose a transmitter adapted for wireless transmission (page 7), the 'leaky cable' is a transmitter adapted for wireless transmission, as it broadcasts signals that are wireless to antenna 31 (Toyoshima, col. 5, lines 5-25).

Regarding applicant's claim that Toyoshima does not disclose an audio receiver adapted for wireless receipt of the audio signal (page 7) by asserting the headphones are connected to the selection and display apparatus via a wire, the office action clearly states the audio receiver is the selection and display apparatus itself, which receives audio signals wirelessly via antenna 31 (see previous action regarding claim 1).

Regarding applicant's claim the Toyoshima does not disclose the passenger compartment of the vehicle shields the receiver from interference due to exterior signals (page 7), the fact that the system is placed within a metal structure (plane, train, bus, or the like, as described in the abstract of Toyoshima), is sufficient to meet the claim limitation. Further, said claim limitation makes no mention of the character of the shielding provided, thus applicant's assertion that the shielding inherently present in Toyoshima is of insufficient character to meet the claim limitation is not supported by the claim.

12. Applicant's arguments with respect to claim 7 have been considered but are moot in view of the new ground of rejection.

13. Regarding claim 3, examiner has taken official notice that it is notoriously well known in the art to digitally encode and subsequently decode video signals for transmission. Sklar et al. (5,760,819, of record) teaches encoding and subsequently decoding of video signals for transmission (col. 3 line 38 – col. 4 line 10). Further, applicant argues that Toyoshima does not disclose a motivation for using encoding and decoding to distinguish desired signals from other signals. The limitation of utilizing encoding to distinguish desired signals from other signals is not recited in the claim.

14. Regarding claim 6, examiner has taken official notice that it is notoriously well known in the art to incorporate AM/FM radio broadcasts into closed network audio/video distribution networks. Gray (3,796,829, of record) teaches incorporating AM/FM radio broadcasts into closed network audio/video distribution networks (col. 6, lines 16-22 and col. 7, lines 11-13). The motivation for including such a system is found in the previous and current office action regarding claim 6.

15. In response to applicant's argument that Logan et al. is nonanalogous art (page 9), it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the

Art Unit: 2611

applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the problem solved by Logan which is pertinent both to the Toyoshima disclosure and applicant's endeavor is simply the wireless transfer of data.

Conclusion

16. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

17. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually

Art Unit: 2611

depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Art Unit: 2611

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on _____.
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) _____ - _____ on _____.
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D Saltarelli whose telephone number is (703) 305-8660, and effective 2/28/2005, will be (571) 272-7302. The examiner can normally be reached on M-F 10-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dominic Saltarelli
Patent Examiner
Art Unit 2611

DS



VIVEK SRIVASTAVA
PRIMARY EXAMINER